

**House File 551 - Introduced**

HOUSE FILE 551  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO HSB 160)

(COMPANION TO LSB 2092SV BY  
COMMITTEE ON HUMAN RESOURCES)

**A BILL FOR**

1 An Act relating to interstate contracts for substance abuse and  
2 mental health care and treatment.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 331.910 Interstate contracts for  
2 mental health and substance-related disorder treatment.

3 1. *Purpose.* The purpose of this section is to enable  
4 appropriate care and treatment to be provided to a person  
5 with a substance-related disorder or a mental illness, across  
6 state lines from the person's state of residence, in qualified  
7 hospitals, centers, and facilities.

8 2. *Definitions.* For the purposes of this section:

9 a. "*Bordering state*" means Illinois, Minnesota, Missouri,  
10 Nebraska, South Dakota, or Wisconsin.

11 b. "*Receiving agency*" means a public or private hospital,  
12 mental health center, substance abuse treatment and  
13 rehabilitation facility, or detoxification center, which  
14 provides substance abuse or mental health care and treatment to  
15 a person from a state other than the state in which a hospital,  
16 center, or facility is located.

17 c. "*Receiving state*" means the state in which a receiving  
18 agency is located.

19 d. "*Region*" means a mental health and disability services  
20 region formed in accordance with section 331.389 or a county  
21 that has been exempted by the director of human services from  
22 being required to be a part of a mental health and disability  
23 services region in accordance with section 331.389.

24 e. "*Sending agency*" means a state or regional agency located  
25 in a state which sends a person to a receiving state for  
26 substance abuse or mental health care and treatment under this  
27 section.

28 f. "*Sending state*" means the state in which a sending agency  
29 is located.

30 3. *Voluntary commitments.*

31 a. A region may contract with a receiving agency in a  
32 bordering state to secure substance abuse or mental health care  
33 and treatment under this subsection for persons who receive  
34 substance abuse or mental health care and treatment pursuant to  
35 section 125.33 or 229.2 through a region.

1     **b.** This subsection shall not apply to a person who is any  
2 of the following:

3       (1) Serving a criminal sentence.

4       (2) On probation or parole.

5       (3) The subject of a presentence investigation.

6     **c.** A region may contract with a sending agency in a  
7 bordering state to provide care and treatment under this  
8 subsection for residents of the bordering state in approved  
9 substance abuse and mental health care and treatment hospitals,  
10 centers, and facilities in this state, except that care and  
11 treatment shall not be provided for residents of the bordering  
12 state who are involved in criminal proceedings substantially  
13 similar to the involvement described in paragraph "b".

14     **4. *Involuntary commitments.***

15     **a.** A person who is detained, committed, or placed on an  
16 involuntary basis under section 125.75 or 229.6 may be confined  
17 and treated in another state pursuant to a contract under this  
18 section.

19     **b.** A person who is detained, committed, or placed on  
20 an involuntary basis under the civil commitment laws of a  
21 bordering state substantially similar to section 125.75 or  
22 229.6 may be confined and treated in this state pursuant to a  
23 contract under this section.

24     **c.** A law enforcement officer acting under the authority of a  
25 sending state may transport a person to a receiving agency that  
26 provides substance abuse or mental health care and treatment  
27 pursuant to a contract under this subsection and may transport  
28 the person back to the sending state under the laws of the  
29 sending state.

30     **d.** Court orders valid under the law of the sending state  
31 are granted recognition and reciprocity in the receiving state  
32 for a person covered by a contract under this subsection to  
33 the extent that the court orders relate to confinement for  
34 substance abuse or mental health care and treatment. Such care  
35 and treatment may include care and treatment for co-occurring

1 substance-related and mental health disorders. Such court  
2 orders are not subject to legal challenge in the courts of the  
3 receiving state.

4 *e.* A person who is detained, committed, or placed under the  
5 laws of a sending state and who is transferred to a receiving  
6 state under this section shall be considered to be in the legal  
7 custody of the authority responsible for the person under the  
8 laws of the sending state with respect to the involuntary  
9 civil commitment of the person due to a mental illness or a  
10 substance-related disorder.

11 *f.* While in the receiving state pursuant to a contract  
12 under this subsection, a person shall be subject to all laws  
13 and regulations applicable to persons detained, committed, or  
14 placed pursuant to the corresponding laws and regulations of  
15 the receiving state with respect to the involuntary commitment  
16 of the person due to a mental illness or substance-related  
17 disorder. A person shall not be sent to a receiving state  
18 pursuant to a contract under this section until the receiving  
19 state has enacted a law recognizing the validity and  
20 applicability of this subsection.

21 *g.* If a person receiving care and treatment pursuant to  
22 a contract under this subsection escapes from the receiving  
23 agency and the person at the time of the escape is subject  
24 to involuntary confinement under the laws of the sending  
25 state, the receiving agency shall use all reasonable means to  
26 recapture the escapee. The receiving agency shall immediately  
27 report the escape of the person to the sending agency. The  
28 receiving state has the primary responsibility for, and the  
29 authority to direct, the pursuit, retaking, and prosecution of  
30 escaped persons within its borders and is liable for the cost  
31 of such action to the extent that it would be liable for costs  
32 if its own resident escaped.

33 *h.* Responsibility for payment for the cost of care and  
34 treatment under this subsection shall remain with the sending  
35 agency.

1 5. A contract entered into under this section shall, at a  
2 minimum, meet all of the following requirements:

- 3 a. Describe the care and treatment to be provided.  
4 b. Establish responsibility for the costs of the care and  
5 treatment, except as otherwise provided in subsection 4.  
6 c. Establish responsibility for the costs of transporting  
7 individuals receiving care and treatment under this section.  
8 d. Specify the duration of the contract.  
9 e. Specify the means of terminating the contract.  
10 f. Identify the goals to be accomplished by the placement  
11 of a person under this section.

12 6. This section shall apply to all of the following:

- 13 a. Detoxification services that are unrelated to substance  
14 abuse or mental health care and treatment regardless of  
15 whether the care and treatment are provided on a voluntary or  
16 involuntary basis.  
17 b. Substance abuse and mental health care and treatment  
18 contracts that include emergency care and treatment provided to  
19 a resident of this state in a bordering state.

20 EXPLANATION

21 The inclusion of this explanation does not constitute agreement with  
22 the explanation's substance by the members of the general assembly.

23 This bill relates to interstate contracts for substance  
24 abuse and mental health care and treatment.

25 CONTRACTS FOR INVOLUNTARY COMMITMENTS. The bill provides  
26 that a region as defined in the bill may contract with a public  
27 or private agency in a bordering state to secure substance  
28 abuse or mental health care and treatment for persons who may  
29 receive substance abuse or mental health care and treatment  
30 pursuant to Code section 125.33 or 229.2 through a region  
31 in Iowa. Similarly, a region may contract with a public or  
32 private agency in a bordering state to provide such care and  
33 treatment for residents of the bordering state in approved  
34 substance abuse or mental health treatment facilities in  
35 this state. A person serving a criminal sentence, who is on

1 probation or parole, or who is the subject of a presentence  
2 investigation is not eligible to receive such care and  
3 treatment. The bill defines "bordering state" to mean  
4 Illinois, Minnesota, Missouri, Nebraska, South Dakota, or  
5 Wisconsin, and "region" to mean a mental health and disability  
6 services region formed in accordance with Code section 331.389  
7 and a county not required to be part of a region under that Code  
8 section.

9       CONTRACTS FOR INVOLUNTARY COMMITMENTS. The bill provides  
10 that a person who is detained, committed, or placed on an  
11 involuntary basis under Code section 125.75 or 229.6 may  
12 be confined and treated in another state pursuant to a  
13 contract executed under the bill and a person who is detained,  
14 committed, or placed on an involuntary basis under the civil  
15 commitment laws of a bordering state substantially similar to  
16 Code section 125.75 or 229.6 may be confined and treated in  
17 this state pursuant to a contract executed under the bill.  
18 Court orders valid under the law of the sending state are  
19 granted recognition and reciprocity in the receiving state for  
20 a person covered by an involuntary commitment contract under  
21 the bill. A person who is detained, committed, or placed  
22 under the laws of a sending state and who is transferred to a  
23 receiving state is considered to be in the legal custody of  
24 the authority responsible for the person under the involuntary  
25 civil commitment laws of the sending state.

26       While in the receiving state pursuant to an involuntary  
27 commitment contract executed under the bill, a person is  
28 subject to all laws and regulations applicable to persons  
29 detained, committed, or placed pursuant to the corresponding  
30 involuntary civil commitment laws of the receiving state.

31       If a person receiving care and treatment pursuant to an  
32 involuntary commitment contract under the bill escapes from  
33 the receiving agency and the person at the time of the escape  
34 is subject to involuntary confinement under the laws of the  
35 sending state, the receiving agency shall use all reasonable

1 means to recapture the escapee. The receiving agency shall  
2 immediately report the escape to the sending agency. The  
3 receiving state has the primary responsibility for, and the  
4 authority to direct, the pursuit, retaking, and prosecution of  
5 escaped persons within its borders and is liable for the cost  
6 of such action to the extent that it would be liable for costs  
7 if its own resident escaped.

8 MISCELLANEOUS. The bill specifies minimum requirements  
9 for contracts entered into under the bill. The bill applies  
10 to detoxification services unrelated to substance abuse or  
11 mental health care and treatment regardless of whether provided  
12 on a voluntary or involuntary basis and to substance abuse  
13 and mental health care and treatment contracts that include  
14 emergency care and treatment.